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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,700	08/11/2003	Benjamin J. Olechnowicz	22188/06542	1699
24024	7590	02/17/2004	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP			NICHOLSON, ERIC K	
800 SUPERIOR AVENUE			ART UNIT	PAPER NUMBER
SUITE 1400				3679
CLEVELAND, OH 44114				

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/604,700	OLECHNOWICZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric K Nicholson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on preliminary amendment filed 10/21/03.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 21-24 and 32-35 is/are rejected.
- 7) Claim(s) 25-31 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachments(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### **Specification**

The disclosure is objected to because of the following informalities: On page 1 of the specification the status of the parent application should be updated. Appropriate correction is required.

### **Claim Objections**

Claims 21-35 are objected to because of the following informalities: In the independent claims 21, 32 and 35 it is unclear how the sealing surface (which is defined as the surface that contacts the sealing beads) and the anti rotation surfaces (which contact the frictional surfaces of the members) can be considered to be co-planer. Appropriate correction is required.

### **Claim Rejections – 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-24 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over French patent 378,493 in view of U.S. patent 5,145,219 to Babuder. The French patent '493 discloses the claimed device with first and second tubular members 1,3 each having a sealing end face with a raised annular bead 30,31, an inner bore 2,4 wherein the sealing faces of the two members face each other. A sealing gasket 5 is captured between the sealing beads for sealing the coupling tubular members. The gasket contacts surfaces 6 and 7 which are co-planer and radially outward of the sealing bead. However the tubular members of the French patent are not disclosed to include frictional surfaces radially outward of the sealing bead to prevent relative rotation of between the tubular members. Babuder '219 discloses in figs. 9-11 that it is known in the art to provide a similar

type coupling with frictional surfaces 150 (teeth or knurls, col. 8, lines 18-19) radially outward of the sealing bead to prevent relative rotation of between the tubular members (see column 7, lines 47-68 continuing to column 8, lines 1-40) It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the surfaces 6,7 of the French patent with the anti-rotational frictional surfaces such as taught by Babuder '219, in order to provide a more secure coupling for the two tubular members by allowing positive engagement and therefore rotation lock due to compressibility gasket between the knurled surfaces.

### **Allowable Subject Matter**

Claims 25-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

ekn  
2/10/04



Eric K. Nicholson  
Primary Examiner  
Technology Center 3600